

CHAPTER VIII

ORGANIZATION OF THE PROVISIONAL GOVERNMENT — HOUSTON ELECTED COMMANDER-IN-CHIEF

A MEETING of the delegates to form a provisional government had been held at San Felipe on the 16th of October, but no quorum was present, and it adjourned until the 1st of November. A number of the leading delegates had accompanied Austin's force in its advance to San Antonio, and, while it was encamped before that place, a council was held to consider the question of whether they should remain, or return and organize the civil government. There was then no prospect of any decisive operation in the immediate future, and it was decided that they should return.

The Consultation met at San Felipe on November 3. It consisted of fifty-five delegates, representing all the municipalities in Texas, except Bexar and Goliad. Branch T. Archer was elected President. The sessions were held in a small frame house, consisting of one room without ceiling or plaster, and many of the delegates, doubtless, camped out at night by the side of the horses which brought them. Houston still wore his Indian dress of blanket and buckskin, and it was in reply to some comment on his

appearance at this occasion that Jackson is reported to have said he "thanked God there was one man, at least, in Texas, whom the Almighty had the making of, and not the tailor." The remark, if made, was as affected as Houston's costume, for Jackson knew as well as anybody that Houston's Indian dress was only a part of his theatrical vanity, and as much a piece of dandyism as if it had been the most ultra-fashionable civilized costume. The convention appointed a committee of twelve, of which John A. Wharton was chairman and Houston a member, to prepare a declaration of the causes which induced Texas to assume its attitude of revolt against the Central Government, and a committee of five to prepare a constitution for a provisional government. The committee on the declaration reported November 7 the following vigorous and concise decree of provisional independence under the Mexican Constitution of 1824:—

"Whereas General Antonio Lopez de Santa Anna and other military chieftains have, by force of arms, overthrown the federal institutions of Mexico, and dissolved the social compact which existed between Texas and the other members of the Mexican Confederacy, now the good people of Texas, availing themselves of their natural rights, solemnly declare:

"1. That they have taken up arms in defense of their rights and liberties, which were threatened by the encroachments of military despots, and in defense of the Republican Principle of the Federal

Constitution of Mexico of eighteen hundred and twenty-four.

“2. That Texas is no longer, morally or civilly, bound by the Compact of Union; yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such members of the Mexican Confederacy as will take up arms against military despotism.

“3. That they do not acknowledge that the present authorities of the nominal Mexican Republic have the right to govern within the limits of Texas.

“4. That they will not cease to carry on war against the said authorities while their troops are within the limits of Texas.

“5. That they hold it to be their right, during the disorganization of the Federal system and the reign of despotism, to withdraw from the Union, to establish an independent government, or to adopt such measures as they may deem best calculated to protect their rights and liberties; but that they will continue faithful to the Mexican government so long as that nation is governed by the Constitution and laws, which were formed for the government of the Political Association.

“6. That Texas is responsible for the expenses of her armies now in the field.

“7. That the public faith of Texas is pledged for the payment of any debts contracted by her agents.

“8. That she will reward by donations of land all who may volunteer their services in her present struggle, and receive them as citizens.

“These declarations we solemnly avow to the world, and call God to witness their truth and sincerity; and invoke defeat and disgrace upon our heads should we prove guilty of duplicity.”

The proposed declaration caused a warm debate, a considerable number of the delegates being in favor of a decree of absolute independence. A resolution in favor of absolute independence was actually carried, but Houston prevailed upon one of the members, who voted for it, to move a reconsideration, and, after a powerful speech, succeeded in having the declaration adopted. Houston and those who acted with him were evidently of the opinion that the Liberal party in Mexico might possibly regain power by a revolt against Santa Anna, or at least that they would be able to check any repressive action on the part of the Central Government so long as Texas professed a willingness to remain as a Mexican state. There was still a party in Texas in favor of peaceful measures, and, while there could be little doubt that the ultimate tendency of events would bring about complete independence, it was thought prudent to hold to the previous declaration of adherence to the Constitution of 1824. It is likely, also, that it was believed that this course would have a good effect upon public opinion in the United States, and remove the conception that the revolt of the Texans was a filibuster movement originating in a conspiracy.

The Constitution for a provisional government was adopted November 13. It provided for the election of

a governor and lieutenant-governor, and an advisory council to consist of one member from each municipality. The government was authorized to contract for a loan of \$1,000,000, on the security of the public lands, to arrange for treaties of friendship and alliance with the Indians, to establish a postal service and courts of justice and admiralty. The land commissioners were ordered to cease their functions during the interregnum, and the recent sales of lands by the Legislature of Coahuila and Texas were repudiated. It was decreed that all male citizens, capable of bearing arms, who should leave the country while Texas was in revolt, should forfeit their lands. Provision was made for the creation of a regular army of 1120 men, to be subject to the same rules and regulations as those of the army of the United States, and for the election of a major-general commanding. Austin would have been the natural choice of the delegates for Governor, but it was considered that his services would be more valuable as a commissioner to solicit aid in the United States. Henry Smith was elected Governor, and James W. Robinson, Lieutenant-Governor. Stephen F. Austin, Branch T. Archer, and William H. Wharton were appointed commissioners to the United States. Sam Houston was elected commander-in-chief with but one dissentient vote. The Consultation adjourned to meet at Washington on the 1st of March, provided the provisional government should still be in existence.

Houston appointed his staff, and drew up a plan for

the organization of the army. But the Council delayed in passing the necessary ordinances for the recruiting service and the election of officers. There was a good deal of confusion and some disturbance in popular feeling. Some of the restless and ambitious adventurers, discontented at their exclusion from office and authority, denounced the Council, and endeavored to subvert the government. A meeting was held at San Felipe at which a series of resolutions were offered by Moseley Baker, declaring the Council imbecile, and calling for the establishment of a more energetic government. Baker supported the resolutions in a violent speech. Houston again demonstrated the power of his impassioned and forcible eloquence upon the turbulent spirits. Having obtained permission to address the meeting, he pointed out the folly of discord in such a crisis, when their liberties were at stake. The Consultation had been appointed by the sovereign will of the people, and could not abandon their trust with honor. To advocate its dissolution and plunge the country into anarchy at such a time would be worse than the act of a midnight incendiary. Drawing up his figure to its full height, and pointing his finger at Baker, he said, "I had rather be a slave and grovel in the dust all my life than be a convicted felon." Baker, although a brave man, was thoroughly cowed, tore up the manuscript of his resolutions, and endeavored to excuse himself by saying that he had been put forward by others to make the movement.

Houston addressed several letters to the Governor and Council, pointing out the necessity of more thorough and rapid action for the organization of the army, and warning them that the enemy would undoubtedly advance with a large force for the subjugation of Texas. But the Governor and Council were more engaged in wrangling over the distribution of the offices than in taking means for the effectual defense of the country. Finally the necessary ordinances were adopted, and on December 13, Houston issued a proclamation, from his headquarters at Washington on the Brazos, calling for recruits for the regular army and for the volunteer service. For all who enlisted for two years, or during the war, a bounty of \$24 and eight hundred acres of land were offered. To the volunteers for two years, or the war, was offered a bounty of six hundred acres, and for one year, a bounty of three hundred and twenty acres. No bounty was offered for lesser terms of service. The rights and privileges of citizenship were promised to all who would unite with the people in defending the republican principles of the Constitution of 1824. It concluded: "The services of five thousand volunteers will be accepted. The 1st of March next, we must meet the enemy with an army worthy of our cause, and which will reflect honor upon freemen. Our habitations must be defended; the sanctity of our hearths and homes must be preserved from pollution. Liberal Mexicans will unite with us. Our countrymen in the field have presented an example

worthy of imitation. Generous and brave hearts from a land of freedom have joined our standard before Bexar. They have by their heroism and valor called forth the admiration of their companions in arms, and reflected honor on the land of their birth. Let the brave rally to our standard.”

The quarrels which broke out between the Governor and Council paralyzed all Houston's efforts, and prevented the organization of any adequate force to resist Santa Anna's expected invasion. The first difficulty arose over the appointment, by the Council, of Thomas F. McKinney, as a special agent to borrow \$100,000 on behalf of Texas. The appointment was vetoed by the Governor, on the ground that the commissioners to the United States had already been empowered to contract a loan. The Council unanimously passed the ordinance appointing McKinney over the veto. General Mexia, on his return from his disgraceful expedition to Tampico, made application to the Texan government for aid in organizing an invasion of Mexico. The Council passed a resolution to assist him, which Governor Smith vetoed, declaring that Mexia was an adventurer, who was only desirous of recruiting his own desperate fortunes by robbery, and announcing his opposition to any connection with the Mexicans in the struggle, as he believed that they would be found hostile and treacherous. The Council passed the resolution over the veto, and invited General Mexia to join the forces before San Antonio. This he declined to do, and

the Council withdrew their promise of aid. The Council elected D. C. Barrett, one of their number, to be judge advocate-general, and Edward Gritton to be collector of the port of Copano. Barrett and Gritton had been the peace commissioners to General Cos, and their fidelity to the Texan cause was suspected. Governor Smith vetoed both the appointments, making strong charges against the personal character of Barrett; but the Council voted that both the commissions should be issued. The Council assumed a hostile attitude toward Houston, and he complained that the Committee of Correspondence had thrown obstacles in the way of recruiting. Not only were the colonists discouraged from enlisting by these quarrels of the authorities, but the foreign volunteers, who had begun to arrive from the United States, were disgusted at the lack of any organization to receive and provide for them. Houston found at Washington a company from Kentucky and one from Alabama who were threatening to return home.

In the mean time, after the capture of San Antonio, Dr. Grant had renewed his schemes for the invasion of Mexico. He had fought bravely during the attack on the town, been severely wounded, and gained the confidence of the volunteers. He had never been a citizen of Texas, and was not interested in securing its independence, so much as in recovering his own rich estates and mines at Parras. He doubtless believed that the people of Coahuila would be ready to revolt against Santa Anna at the first

opportunity, and excited the minds of the volunteers with visions of the easiness of the conquest and the prospects of rich rewards in booty and lands. The volunteers from the United States, who had come to Texas for war and adventure, were disappointed at being left in inactive occupation of San Antonio, and were eager for the expedition. They did not consider the lessons of failure that had followed every attempt at the invasion of Mexico by a foreign expedition, in the expectation that it would receive the support of any portion of the inhabitants. Mexican jealousy had always been aroused by the appearance of any foreign force, and all parties had united to oppose it. The capture of Matamoras itself, even if it could be accomplished, would have been of little value, for the customs' revenue would have been immediately withdrawn. Houston and Governor Smith did not favor Grant's scheme, but it was necessary to do something to occupy the attention of the American volunteers, and preserve the direction of affairs which would otherwise have been taken out of their hands. On December 17, Houston sent an order to Colonel James Bowie to organize and take command of an expedition for the capture of Matamoras. If he did not consider this to be practicable he was to secure a position on the frontier, and annoy the enemy by all the means possible in civilized warfare, and under all circumstances to hold the port of Copano. Bowie had left Goliad for San Antonio, and did not receive the order. Houston also sent orders

to the quartermaster-general at New Orleans that volunteers from the United States, sailing from that port, should land at Copano or Matagorda, and rendezvous at Refugio and Goliad. It is not probable that Houston, in concentrating his troops in the West, had any other purpose than to head off Grant's expedition, and to have them ready to meet the invasion of Santa Anna. The troops in the service of Texas at that time amounted to only about 750 men; 400 at San Antonio; 200 at Velasco; 70 at Washington, and 80 at Goliad. And with the best results of recruiting and the expected arrivals from the United States, no force could be gathered which would be at all adequate for the invasion of Mexico.

While Houston had been issuing these orders the Council had proceeded to supersede his authority. Colonel F. W. Johnson, who had been left in command of the Alamo, favored the project of Dr. Grant, and went to San Felipe, where he received authority from the Council to take command of the expedition. Meantime, Grant had collected his volunteers at San Antonio to the number of between three and four hundred, seized the arms and munitions of war belonging to the State, pressed horses and supplies from the inhabitants, and set out on his march. Colonel Neill was left in defense of the Alamo with only about sixty men. The Council authorized Colonel J. W. Fannin, who had been appointed by Houston colonel of artillery, and sent to Velasco on recruiting service, to act as its "agent" to collect

and organize the troops now in the State, or expected to arrive, at Copano, for the expedition to Matamoras, with authority to contract a loan of \$3000, and appoint "sub-agents." He was also directed to hold an election for commander of the forces after they should be concentrated. All this was a direct supersession of the authority of the Governor and the commander-in-chief. Houston was profoundly affected by these miserable intrigues, which threatened the destruction of Texas, and wrote to Governor Smith in very impassioned terms on receipt of the report of Colonel Neill as to the condition of affairs at the Alamo:—

HEADQUARTERS, WASHINGTON, *January 6, 1835.*

SIR,—I have the honor to inclose to your excellency the report of Lieutenant-Colonel J. C. Neill of the artillery; and most respectfully request that you will render to the cause of Texas and humanity the justice of bestowing upon it your serious attention, and referring it to the General Council of the provisional government in secret session. There, I may be permitted to hope, you will attend in person, that all the essential functionaries of the government may deliberate and adopt some course that will redeem our country from a state of deplorable anarchy. Manly and bold decision alone can save us from ruin. I only require orders and they shall be obeyed. If the government now yields to the unholy dictation of speculators and marauders upon human rights, it

were better that we had yielded to the despotism of a single man, whose ambition might have been *satisfied* by our unconditional submission to his authority, and a pronouncement, for which we are asked, in favor of his power.

In the present instance the people of Texas have not even been consulted. The brave men, who have been wounded in the battles of Texas, and the sick from exposure in her cause, without blankets or supplies, are left neglected in her hospitals; while the needful stores and supplies are diverted from them, without authority and by self-created officers, who do not acknowledge the only government known to Texas and the world.

Within thirty hours I shall set out for the army, and repair there with all possible dispatch. I pray that a confidential dispatch may meet me at Goliad, and, if I have left, that it may pursue me wherever I may be.

No language can express my anguish of soul. Oh, save our poor country!—send supplies to the wounded, the naked, the sick, and the hungry, for God's sake! What will the world think of the authorities of Texas? Prompt, decided, and honest independence is all that can save them and redeem the country. I do not fear,—I will do my duty!

I have the honor, etc.,

SAM HOUSTON.

Governor Smith shared Houston's indignation,

but, in place of meeting and conferring with the Council, he sent them a message couched in the most violent language. He denounced Grant's expedition as piratical, and accused members of the Council of conniving at it. He applied to these members the epithets of "Judases," "parricides," and "wolves," and called upon the honest men to drive out the scoundrels, whom they would detect by "the contraction of the eyes, the gape of the mouth, the vacant stare, the hung head, the restless, fidgety disposition, the sneaking, sycophantic look, the natural meanness of countenance, the unguarded shrug of the shoulders, a sympathetic and tickling contraction of the muscles of the neck anticipating the rope, a restless eagerness to adjourn, dreading to face the storm themselves have raised." After this extraordinary appeal to their sensibilities, he declared the Council adjourned to March 1, unless it immediately and publicly renounced its errors. The Council appointed a committee to confer with the Governor, and attempted some peaceful arrangement; but he was inexorable. On January 11 the Council adopted a resolution declaring his language "low, blackguardly, and vindictive," ordered his message to be returned to him, and declared him deposed from office. Governor Smith at first endeavored to conciliate the Council, apologizing for the harshness of his language, and expressing the desire that there might be harmony between the two branches of the government for the common welfare; but no arrangement resulted. The

Governor retained possession of the archives, and issued orders to such officers as would obey him, fulminating from time to time an address or a handbill against the Council. The Council issued an address to the people vindicating its course, but soon ceased its meetings for want of a quorum. Before it dispersed, upon the advice of Austin and others, it appointed an election for February 1, for delegates to a general convention to be held March 1. Fannin and Johnson continued to exercise the authority given them by the Council, and both claimed the supreme direction of the proposed expedition to Matamoras. Fannin called upon the troops concentrated at Copano to hold an election of officers. Fannin was chosen colonel, and Major William Ward, who had arrived from Georgia at the head of three companies of volunteers, lieutenant-colonel.

Under orders from Governor Smith to establish headquarters at Bexar or elsewhere on the frontier, and commence active hostilities as soon as possible, Houston left Washington on the 8th of January, and reached Goliad on the night of the 14th. He found great confusion among the troops on the frontier. Dr. Grant had passed with his volunteers from San Antonio, and, styling himself "acting commander-in-chief," had seized a *caballada* of horses belonging to citizens of Goliad. Captain Dimitt, in command of the regular forces at Goliad, had been superseded by Captain Wyat of the volunteers from Alabama. There was a want of food among the troops, and the

supplies expected from New Orleans had not arrived at Copano. Houston issued orders for the concentration of the troops at Refugio, where beef at least could be obtained, but had great difficulty in persuading the men to march on account of their discontent at the failure of the government to provide them with either food or clothing. A message was received from Colonel Neill, in command at San Antonio, that he expected to be attacked by a large force of the enemy, and Houston dispatched Colonel Bowie to his assistance. He ordered Colonel Neill to demolish the fortifications of the Alamo, and bring off the artillery. Colonel Neill replied that he had no teams with which to move the guns, and the garrison remained in the Alamo. Governor Smith sent Lieutenant-Colonel Travis, who had been stationed on recruiting service at San Felipe, with a small party to reinforce the garrison. Colonel Neill returned to his home, and Travis assumed the command. While Houston was at Refugio endeavoring to bring some order out of the confusion and disorganization, Colonel Johnson arrived and exhibited the resolutions of the Council empowering him to take command of the expedition against Matamoras. Houston at the same time was informed of the deposition of Governor Smith. He considered that it would be useless to attempt to accomplish anything in such a conflict of authority, and that by remaining with the army he would be simply held responsible for the failures which would inevitably follow, without any power to

prevent them. He addressed the volunteers, discouraging the expedition against Matamoras, and returned to his headquarters at Washington, from whence he forwarded a communication to Governor Smith, giving an account of his proceedings, and arguing strongly against the competency of the Council to depose the Governor. While at Refugio he had been elected by the citizens a delegate to the Convention to be held March 1.

The proposed expedition to Matamoras came to nothing. Johnson and Fannin were unable to agree as to who should have the command, and the volunteers were so much discouraged by Houston's speech, pointing out the folly and inevitable failure of the expedition, that they refused to march. Johnson was left with only sixty men, and abandoned his enterprise. Fannin remained with the volunteers from the United States for the defense of Goliad, but attempted no active operations. Grant and his men occupied themselves with raids for the stealing of horses.

The commissioners to solicit aid in the United States met with a good deal of success. Austin made addresses in some of the principal cities, and the moderation as well as earnestness of their tone had a good effect upon the conservative opinion of the country, and relieved the revolt of the Texans from the imputation of being a filibuster enterprise. Subscriptions of money and arms were given to some extent, and there was a warm feeling of sympathy for

the success of the colonists in the struggle. The commissioners succeeded in negotiating a loan of \$200,000 in New Orleans, Austin pledging his private fortune as security. Of this they obtained \$20,000 in cash, and later they effected a loan of \$50,000 in cash. With these funds they purchased supplies, which kept the army from entirely falling to pieces.

While Houston had virtually given up the command of the army, he was enabled to perform an important service for the success of the colonists in their struggle. The Indians in eastern Texas, who included the Cherokees and other fragments of tribes driven from the United States, constituted a very formidable body. They were jealous of the aggressions of the colonists upon the lands, which had been granted them by the Mexican government, and were on friendly terms with the Mexican agents stationed among them. It was highly important that they should be conciliated and rendered passive, if not actively friendly, to the colonists. On November 13, the Consultation adopted a "Solemn Declaration" in regard to the rights of these Indians, to which each member subscribed his name. The declaration is in the handwriting of Houston, and was undoubtedly adopted by his influence. It reads:—

"We solemnly declare that the boundaries of the claims of the said Indians are as follows, to wit, being north of the San Antonio road and the Neches, and west of the Angelina and Sabine rivers. We

solemnly declare that the Governor and General Council immediately on its organization shall appoint commissioners to treat with the said Indians to establish the definite boundaries of their territory, and secure their confidence and friendship. We solemnly declare that we will guarantee to them the peaceable enjoyment of their rights and their lands as we do our own. We solemnly declare that all grants, surveys, and locations within the bounds hereinbefore mentioned, made after the settlement of the said Indians, are and of right ought to be utterly null and void, and the commissioners issuing the same be and are hereby ordered immediately to recall and cancel the same, as having been made upon lands already appropriated by the Mexican government. We solemnly declare that it is our sincere desire that the Cherokee Indians and their associate bands should remain our friends in peace and war, and if they do so we pledge the public faith to the support of the foregoing declaration. We solemnly declare that they are entitled to our commiseration and protection, as the first owners of the soil, as an unfortunate race of people, that we wish to hold as friends and treat with justice.”

Samuel Houston, John Forbes, and John Cameron were appointed commissioners to treat with the Indians on this basis.

After Houston's return to Washington he was given a furlough by Governor Smith until March 1, and directed to carry out his instructions as one

of the commissioners to treat with the Indians. Houston and Forbes visited the Indians, and held a grand council of the tribes at the village of Bowles, the chief of the Cherokees, where a treaty was concluded February 23, on the basis of the "Solemn Declaration." This kept the Indians quiet during the struggle, and it is perhaps needless to say that the treaty was repudiated by the Texan Congress after it was over.